56 S.B.Civil Writ Petition No.3417/2002

Date of Order : 02-08-2004

HON'BLE MR. N.P.GUPTA,J.

Mr.S.N.Tiwari, Dy.G.A. , for the petitioner.

Mr.Sudhir Sharma, and Mr.R.R.Chadhar for Mr.K.C.Samdaria, for respondents.

Heard learned counsel for the parties. Perused the record available.

Learned Board of Revenue has declined to accept the reference on the ground that land was recorded as Maufi, and after resumption of Jagir, and abolition of Maufi, the Collector (Jagir), by his judgment dated 30.12.64 granted the land as personal property as "Khurdkast" in the name of Rawatdas, and thus Rawatdas acquired the khatedari rights. Accordingly, mutation no.6 was sanctioned on 21.4.66. It is, thereafter that Rawatdas alieneated the land. The Board of Revenue thus found that until & unless judgment passed by Collector (Jagir) dated 30.12.64 is set aside by competent court, reference cannot be accepted and also the Collector (Jagir) does not come within the subordination of District Collector.

In my view, on the face of provisions of Sec. 39 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952, the order of Collector (Jagir), cannot be interfered with in reference by the Board of Revenue.

In that view of the matter, I do not find any sufficient ground to interfere in the writ petition. The same is, therefore, dismissed summarily.

(N.P.GUPTA),J.

Srawat/-